

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-X

ATTICUS MANAGEMENT LLC,

Plaintiff,

-against-

ATTICUS INVESTMENTS LLC,  
CRESCENT FUND, LLC, JEFFERY STONE  
and JANETTE DILLER STONE

Defendants.

-X

Civil Action No. 07 CV 9730 (RPP)

ORDER

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: <u>3/13/08</u>

WHEREAS, Plaintiff Atticus Management LLC ("Plaintiff") seeks an order allowing alternative service of process upon Defendant Jeffery Stone pursuant to Rule 4(f)(3) of the Federal Rules of Civil Procedure; and

WHEREAS, the Plaintiff has presented declarations and other evidence in support of its application to show that Stone has evaded service; and

WHEREAS, the alternate service requested does not appear to violate any international agreement, it is hereby

ORDERED that the Plaintiff has shown that it has made reasonable efforts to serve Stone through ordinary process pursuant to Rule 4 of the Federal Rules of Civil Procedure; and it is further

ORDERED that the Plaintiff may serve Defendant Jeffery Stone by any of the following alternative means:

1. Send a copy of the summons and complaint via email to [crescentfund@crescentfund.com](mailto:crescentfund@crescentfund.com) and [wakabayashi@wakabayashifund.com](mailto:wakabayashi@wakabayashifund.com)
2. Personally serve a copy of the summons and complaint on:  
Steven Kaplan, Esq.  
Rosenfeld & Kaplan, LLP  
535 Fifth Avenue  
New York, NY 10017
3. Send a copy of the summons and complaint via certified mail to:  
Jeffery Stone  
c/o Crescent Fund  
110 Wall Street, 11<sup>th</sup> Floor  
New York, NY 10005

4. Send a copy of the summons and complaint via regular mail to:

Jeffery Stone  
262 Kamiosaki, Shinagawa-ku  
Tokyo, Japan 141 0021

ORDERED that the service listed above shall be sufficient pursuant to Federal Rule 4(f).

SO ORDERED

March 13, 2008  
New York, New York

  
Honorable Robert P. Patterson